

**MINUTES OF THE TOWN OF SOUTHTON**  
**2009 CHARTER REVISION COMMISSION**

**December 16, 2009**

The Charter Revision Commission of the Town of Southington held its regular meeting on December 16, 2009 in Town Council Chambers. Chairman David Zoni called the meeting to order at 7:00 o'clock, p.m. with the following in attendance:

Richard Post, Sandra E. Feld, Andrew Meade, Joseph Landrie, James Verderame, Brian Callahan, William Knoegel, James Michlewski, Dennis Conroy, David Derynoski, Kenneth Paradis

Staff: Mark J. Sciota, Town Attorney, arrived at 7:22

A quorum was determined

Summary Minutes – meeting recorded on audio and video tapes.

The Pledge of Allegiance to the American Flag led by Mr. Michlewski was recited by everyone in attendance.

Point of Order called for by Mr. Landrie concerning the agenda for this evening, perhaps a typo, Section 761 is not included and he asked to have that included as a subsection of Section 729. It was included in the package distributed by our clerk. Mr. Landrie commented it is included with 729 they are very closely related, provision for Council override of BOF. Chairman Zoni commented to Mr. Landrie you are saying it affects two sections. Mr. Landrie responded yes. Commission members review their materials. Ms. Feld commented that it was not cited on the second sheet to the agenda. Mr. Landrie commented and that is why he wanted the agenda revised to insure it was included in their discussions. Chairman Zoni agreed and indicated he would change that in the next agenda to read 729/761.

Ms. Feld questioned if in the minutes there was cited a vote to dismiss the Water Board issue and was there a motion. Mr. Callahan commented he had made the motion. Chairman Zoni found the section.

Mr. Landrie requested that all present referred to page 15 of the November 30<sup>th</sup> minutes referring to a statement made by the Chairman, "obviously there will be no additional changes to what has been discussed since no one has any additions or deletions". Mr. Landrie stated, "This is the opinion of the Chairman and was made before the members of this Commission received the final packet sent out by our clerk, so therefore since it is not a real statement, I would like to have this sentence eliminated from our minutes". Mr. Derynoski commented he was not sure that could be done as it was a statement that was made for the record. Chairman Zoni concurred that it was on the record and the statement had to do with what we had before us at that time. We did not have what we

have before us tonight at that time. Mr. Landrie commented that he did not believe it represented the opinion of the entire commission but if you want it that way it is your opinion, fine.

### **Approval of Minutes**

Chairman Zoni called for a motion to approve the November 30, 2009 minutes. Mr. Derynoski made a motion to approve the Minutes. Mr. Michlewski seconded. Motion passed unanimously on a voice vote.

### **Commissioner Communications**

Chairman Zoni indicated that he had a request from a couple commissioners actually to place on the agenda for perhaps further discussion the issue of the budget referendum provision that we had discussed previously and dismissed at the July 15, 2009 meeting. There was some concern voiced to him that there might have been an issue with parliamentary procedure in that vote. There was some discussion after a motion was made to dismiss, seconded, there was further discussion and then I had asked for any ore comments and questions and there was a motion made to move the question. There was no second on the motion to move the question and he believed that caused some controversy as to why we did not act on the motion to move the question. At the time Chairman Zoni commented that he went back and reviewed the tape and the Town Attorney did the same thing. Attorney Sciota felt that when Chairman Zoni had asked the question, is there any more comments or questions there wasn't any articulated other than that motion so barring the fact there was no additional comments to be made at that time, the motion to move the question was moot and not needed. Attorney Sciota had indicated that all that needed to be done was to make the vote on the original motion which Attorney Sciota clearly stated a "yes" vote indicated to a motion to dismiss and then that vote was taken and it passed to dismiss. Chairman Zoni commented he did put it on the agenda in case someone else wanted to discuss any other items regarding that provision. Chairman Zoni opened the floor for discussion.

Ms. Feld makes a motion to rescind the vote to dismiss the referendum on the annual budget which we voted at the July 15<sup>th</sup> meeting, seconded by Mr. Landrie.

Point of Order called by Mr. Conroy. Mr. Conroy indicated that he did not believe that motion was proper to come before this meeting because it had already been voted on and was beyond the time frame requirement. Chairman Zoni commented he did not know there was a time frame for reconsideration. Mr. Callahan stated he did not want to entertain any motion until Attorney Sciota arrived as he is the parliamentarian and he would give a ruling. Chairman Zoni commented he understood that and he did not feel comfortable taking a vote either unless we know this is perfectly within our rights.

Mr. Landrie commented that he knew this had been brought before Attorney Sciota and he has approved this addition onto the agenda. There is no time limitation for rescinding

a vote, a motion has been made and he had seconded that vote and it is now open for discussion.

Mr. Meade then stated we have beaten this issue to death for how many meetings. We had a vote and Attorney Sciota had ruled that the main vote carried and he believed games were just being played. He continued this Commission has been meeting for a little over a year and this was one of the items that we absolutely beat to death, meeting after meeting and he believed that after this particular length of time it was ridiculous to bring it up. Mr. Callahan then stated he did not think it would be fair to take a vote at this time when we do not have all the people here who had voted on the issue originally. There should be a full quorum with all 13 people present. Mr. Callahan then stated to try to introduce this issue again when someone believed there might be an edge with the end result of the vote is not right. Chairman Zoni commented we are in discussion now.

Ms. Feld commented she had made the motion for discussion and further stated she had no idea as to who was coming tonight and Mr. Callahan's comments were rather curious comment. Ms. Feld continued that yes there was a lot of discussion about the issue but we may not have actually discussed the referendum itself and how it addresses the issues. She passed out a handout for the groups' review. Mr. Conroy stated he was going to reiterate his concern that this issue was voted on, it was voted on to dismiss and the fact of the matter is, it is a Point of Order and Ms. Feld is carrying on a discussion and in his opinion it was improper to come before this meeting and we should wait for the Town Attorney before anything further is discussed.

Chairman Zoni banging the gavel entertains a motion to recess. Motion to recess made by Mr. Michlewski, seconded by Mr. Callahan. Voice vote taken, all in favor with one vote in opposition cast by Ms. Feld. Recess occurred at 7:15 p.m.

Meeting reconvened at 7:23 p.m. with Attorney Sciota in attendance.

Chairman Zoni commented there was a motion made on the floor to rescind the vote on the budget by referendum and has been seconded with some discussion including points of order as to whether the time limitation has passed to be able to rescind the vote that was taken several months ago and does the motion have to come from an individual who was on the positive side of that motion.

Attorney Sciota responded with an answer of No. A motion to rescind is much different than a motion to reconsider. A motion to reconsider must occur in a timeframe has to be the next meeting of a certain board. A motion to rescind is able to occur at any time until action is taken on behalf of the board which makes the rescinding of that a liability. An example is given by Attorney Sciota. Attorney Sciota then stated in this case the time frame for this particular board would be the final vote with your draft which has not taken place yet. The motion to rescind is appropriate and it is not required to come from an individual on one side or the other.

Mr. Meade then stated if a majority of the Commission voted after much discussion and it is a year later or so what you are stating is that now a motion can be made to rescind the action taken and we as a group can do this on each and every item that we had discussed? Attorney Sciota responded yes; however, there will be the necessity to have the votes to rescind. A motion to rescind can not just happen with a second vote. There is a quorum here tonight and the need will be to obtain a majority of that quorum. Mr. Callahan then asked if the same number of individuals who voted the last time would have to be present at this meeting. Attorney Sciota responded that there is no requirement. Mr. Meade then asked what if it is a tie vote. Attorney Sciota responded if it is a tie vote, the motion does not succeed. All motions must be by a successful vote therefore a motion to rescind if tied does not succeed. Chairman Zoni brought Attorney Sciota up to speed as to where the Commission was at this point. Attorney Sciota then responded he actually had the answer for some time but this question had never come up in the past. Attorney Sciota then referred to Section 37 of Roberts Rules of Order and commented a Motion to Rescind may be made by any member, it is debatable and in this case it would be a simple majority of the quorum would be needed to rescind. Chairman Zoni questioned if proper discussion should be limited to the motion to rescind.

Attorney Sciota then responded discussion can take place about the referendum as part of the motion and move to rescind the prior vote and then commence with discussion on the reasons as to why, someone seconds that and then debate starts. Two issues evolve whether to debate this at all or the simple fact can be debated that no one wants to rescind. It is all one big debate at this point.

Chairman Zoni stated Ms. Feld had the floor and asked her to continue if she so chose. Ms. Feld commented one of the reasons that she wanted to discuss this more is because the last time we discussed this issue, discussion concentrated around the fact that not enough people showed up to support it. We never really got to the point where we discussed the proposal that was being made. We did not hear what everyone else thought about the proposal and Ms. Feld then referred to an editorial that had appeared back in July in the Record Journal when the vote to dismiss had occurred. Ms. Feld handed out to the members the editorial with highlighted passages that she hope would now influence their decisions. (Copy attached) Ms. Feld then cited certain passages as follows: "it could be required if certain percentages signed a petition, and the percentage could be set to make the trigger easy or difficult". Ms. Feld continued to read, "Going forward, we think most of the voters of Southington ought to be given some alternatives to vote on remember, a lot of them said they wanted charter changes. Surely, the members of the commission can find a compromise path on the budget referendum issue if they put their minds to it – one which will empower the electorate to react to something egregious but permit government to move purposefully forward without constant California-style stalemates." "Failing that, the voters could be given a choice of referendum possibilities on a ballot." Having finished reading Ms. Feld responded that the words had made her realize perhaps this issue should be looked at once again and see if we can't come up with some of the ideas for changing it, for amending it or doing whatever you would like.

Ms. Feld then referred to a second hand out (Copy attached) which referred to referendum on the annual budget and she had outlined a proposal what possibly could happen to allay some of the criticism that people had. Also attached were the issues raised in opposition to it which are now addressed. Ms. Feld gave an example, "too easy to reject budget", the response "requires petition signed by 5% of registered voters; then 15% of registered voters to vote or budget is accepted as is". Second issue, "Too costly & time consuming to have multiple referendums on budget." The response, one referendum on one day at one school. Ms. Feld then stated with this response we would not be having one referendum after another. The third item addressed was the representative democracy argument which was if voters don't like the way elected officials vote, they can vote them out at next election. The response, voters can only choose not to elect or re-elect three of the 12 Town council nominees, since the nine highest vote getters of the 12 nominees are elected. And if any elected official leave the Town Council, that party can place someone who lost the election on the Town Council until the next election. An example was given. Lastly, was the issue, block of voters can vote to increase the Board of Education budget. The response, this proposal does NOT offer the option to increase any part of the budget. Having finished, Ms. Feld stated she would like to hear what anyone had to say concerning this proposal.

Mr. Meade then commented in the last election what percentage voted, the response was about 29.3%. Mr. Meade stated that year after year we always have a very low turn out. The fact is when you are dealing with a budget and when you are dealing with things that have to be accomplished you are always going to have a group of people that are "anti" whatever the town wants to do. One of the biggest sufferers in many towns is the Board of Education because of the fact that things have to be done and money has to be spent and someone doesn't like a salary, doesn't like what is going on, etc. Decisions like that come out of the professional staff that we have plus the people that are elected and to turn the decision over to people who do not understand or know or read the budget is not a good idea. Mr. Meade referred back to petitions where people were being asked, do you want your taxes reduced. Yes people were signing that petition and not really understanding the issue involved. He continued and that would be the same thing that would happen with a referendum. Mr. Meade stated he was opposed to this. It is one thing when Southington used to be 8,000 people and we had a RTM because many people would turn out to hear what was happening but with 45,000 people, people do not concern themselves.

Ms. Feld then commented to Mr. Meade that he was speaking of two different things. People don't turn out and if that is the case, the way Ms. Feld had designed the proposal the budget passes. If less than 15% of the registered voters do not turn out, the budget passes. Mr. Meade went back and forth with Ms. Feld and she added the 15% is just for discussion purposes. Mr. Meade then commented it should be 75%. Mr. Meade stated one is ridiculous one way and one is ridiculous the other way. Mr. Meade continued to state it will not work and directed his comments to Ms. Feld that she attends most or all of the different meetings and she understands most other people do not. Mr. Meade stated we have beaten this thing to death and a referendum is the wrong way to go on the budget.

Ms. Feld then responded to Mr. Meade if his comments are correct and people do not turn out, then let us work with less than 15% of the registered voters vote and make it a reasonable number that Mr. Meade thought would be good to work with and certainly 75% is not that percentage. Mr. Meade responded he did not want to play with a number; he was opposed to it completely, opposed to a referendum completely because it is not the way to run a community.

Mr. Post then stated yes much discussion had taken place in the past but we did not speak on the variables and he was not sure if he agreed with the percentages but this is an issue where two sides feel very strongly and unfortunately you can't have it one way or the other but sometimes a compromise can happen. Mr. Post agreed with Mr. Meade and his comments concerning the Board of Education and their getting a percentage. He continued if you can take a percentage that would make that less likely to happen, have it high enough that you really want this to happen to work for and no one single constituent can obtain that many numbers or people, then that might be an opportunity. If people are not interested then they are not going to come out for a petition and to get a petition signed is a lot of work so it is not something that people who are not interested in are going to do. Mr. Post stated what he would offer up is the idea is are there numbers or concepts that we can agree on. There might be something that we can agree on whether we like the concept or not. Mr. Post believed it was good to have voters work for something if they believed in the issue and not have it happen automatically.

Mr. Knoegel then stated that he was on record as being one of those votes who wanted this to go to the Town Council for the up and down vote. It took over 4,000 citizens to get this Charter Revision Commission in place and yet some people who got voted into this last election had less than 4,000 votes. To be dismissive that this is a small minority of people is not accurate and he took issue with Mr. Meade in that if you look at the political spectrum currently you have people on the right, the tea party and their movement and people on the left. He continued to think that people are not smart enough to understand the complexity is basically undermining the general public. He believed there were many informed people and they may not necessarily show up at meetings but they may read the minutes, they may watch televised things, send in letters and/or emails.

Mr. Landrie stated Mr. Meade used "nice" words but Mr. Landrie thought the voters in this town are a little more astute than we give them credit for. No they do not attend every meeting or know every fact but Ms. Feld brought up is an opportunity if 15% of registered voters get out and vote we would then allow them to have some decision on our town budget. Let's give them a chance to express what they want. It is not easy, this 15% is a difficult level of voter turnout, 75% is unreachable but 15% is reasonable and he would like to give our Town council to vote either yay or nay. It would be a good step forward in allowing the voters to have a say in our budget.

Mr. Post then stated all we are doing as we know is to pass on potential changes to the Town Council and if they agree all we are doing is allowing the voters to vote on an issue.

Mr. Conroy first of all one of the things that you are doing is circumventing the whole form of government that we have established in this community. We have elected officials that the people have elected into office; they handle the fiscal issues that are presented concerning this Town. A few months back about the time we voted on this there was an article in the Hartford Courant via the Associated Press. Mr. Conroy then stated he would read comments made by the Chief Justice of the California Supreme Court and as you all know California is probably the most referendum capital of the world for lack of a better term. The Chief Justice criticized the states reliance on the referendum process, "it has rendered our state government dysfunctional". The Chief Justice was Chief Justice Ronald M. George. Mr. Conroy continued to read from the Chief Justice's comments, "that the ballot box system places California law makers in a fiscal straight jacket; furthermore it prevents them from effectively solving the state's financial crisis." "these constraints upon elected officials when combined with the lack of political will on the part of some to curb spending and part of others to raise taxes often make third alternative borrowing the most attractive option at least until the bankers say no." Mr. Conroy then stated what this is saying when you go to referendum you are defeating the whole purpose of the government and the people in the "know", the people who are suppose to be in the "know" to handle these problems really become dysfunctional. Having read that Mr. Conroy commented that he had not heard anything that has changed his mind and he does not know why this issue is even being considered. He made reference to Mr. Callahan who had kept a score card so to speak on the people who had come before the Commission and most of them were in opposition to a referendum. Mr. Conroy urged all commissioners to vote against this issue.

Mr. Knoegel in response to Mr. Conroy's reading stated there was a third issue in California and that is when someone purchases a home, the residential property taxes are fixed and it never goes up beyond that point, never, no matter how big or how much the assets grow. Mr. Knoegel believed that unfortunately what has happened in California is that they have tied their hands, have over spent, do not have the revenue base and you are not including the fact that there is a deluge of illegal aliens crossing their borders which also taxes their system. Mr. Knoegel commented that he did understand that some referendums seem silly we are just speaking about one single referendum.

Ms. Feld then stated it was disingenuous to speak about California in relation to what she was proposing. She commented that she had proposed one referendum, on one day at one location so why can't we discuss some of the items in my proposal. She was asking all of them to discuss her proposal, not California where it is proposition add infinitum in California. We are not suggesting that idea at all.

Mr. Conroy then stated the proposal you are discussing speaks about the 15% that only gives us the option to reduce the budget, well what about people that want to add money. Secondly when you limit the polling place to one location, you are disenfranchising many people that just do not want to travel all over town. There are many draw backs. Thirdly in commented that Ms. Feld wanted to disregard California, well California was mentioned in the editorial that she had read from. He was just backing up what the editorial had stated.

Ms. Feld came back and stated that is exactly what it says, “one which will empower the electorate to react to something egregious but permit government to move purposefully forward without constant California –style stalemates”. That statement is agreeing with you and California is a nightmare. With regard to the one school for referendum, Attorney Sciota can correct her if she was wrong; we have used Derynoski for referenda for a long time. Attorney Sciota commented yes except when we have occasionally used South End. Ms. Feld commented this is not something new.

Mr. Post commented to compare California to Southington is like comparing apples to oranges. In California the referendums and how they make decisions. This proposal is not going to change anything unless a certain percentage of voters decide they want to vote a budget. The bottom line if enough voters sign a petition and enough vote against the budget one option is to reduce the increase by 50%. It is not saying you can not increase the budget so it really is not tying their hands. This is one opportunity to let the voters have a say. Mr. Post made reference to the schools and their ability to “find” monies when necessary. It is not automatic, people have to work hard to get this and if indeed the budget is voted down, the town still gets a big chunk of what they want. His last comment was none of this is set in stone, Ms. Feld put this idea out simply to discuss the variable and it could be that we have a referendum in every school or whatever.

Mr. Michlewski then stated you are talking about a budget that has already been approved by the Board of Finance and the Town Council and that is the budget that would be on the table if there was such a thing as a referendum. The only two options would be agree with what the town has done or disagree, period so what is wrong with that? You would have the BOF and the Town Council saying here is a budget, now if it gets voted down, it is still there, you still have the people doing their job and doing it well. A referendum vote could also be an affirmative vote by saying the town is doing it right but it also could be if we had a runaway BOF, it gives the townspeople the choice to say time to go back to the drawing board.

Concerning multiple places for elections and he recalled the discussion and part of the reasons why we shouldn't have a referendum was the fact that it was costly for all of those individual sites so even to mention multiple sites confused him.

Mr. Landrie commented that he disagreed with Mr. Post because no where in the proposal is there the ability for the voters to increase the budget. They either accept the budget or reject the budget. In the alternatives posted on the sheet, budget reverts to current COLA; budget reverts to BOF budget presented to Town council; budget increase is reduced by half (50%); other ideas. He commented we discussed COLA at one time he liked it, now he did not. He wanted to see budget reverts to BOF budget presented to Town Council that was his opinion. For clarification there is no where in this proposal where there can be an increase, it is either accepted or rejected. If it is rejected the proposal gives four options. We should give this present Town Council an opportunity to vote this up or vote it down and let's see where they stand. Let us give the voters an

opportunity to see what they want, let the voters tell us what they want to do, not the Town Council, the voters.

Mr. Callahan questioned of Attorney Sciota how many voters is 15%. Attorney Sciota responded about 4,000 voters. His question to Ms. Feld was that you would expect to have 4,000 voters come out and vote on a referendum. Ms. Feld commented 15% is subject to change. Mr. Callahan then stated you would expect those 4,000 voters to be informed voters. Ms. Feld commented she would hope so but history has proven her wrong. Mr. Callahan then stated that was what concerned him. That means that 4,000 voters have read all the line items, understand it and realize what makes up the budget. Otherwise they will be relying on what is in the newspapers, editorials, on the web sites, etc. Mr. Callahan made reference to the Record Journal and the editorials and they are very liberal and they are pro present government, spending by the state and he believed they (the Record Journal) were on a totally different page than the people of Southington.

I do not see why we would do this unless there was a problem with our town's finances. If you look around other towns, towns are cutting, this town is run well and he did not see any advantage to making those changes, and then to have a vote that just calls for rejection that gives no direction to the Town Council or the Board of Finance well then what does that really mean. We will have people coming in and saying cut the budget and people coming in and saying increase the budget we need more money, there is no direction and that ends up in confusion. He continued there is no advantage to putting this entire thing in the laps of the people in town who are not going to understand the line items.

Mr. Meade stated he agreed with the comments previously stated by Mr. Callahan and very seldom do you ever get a direction on who likes what. It is difficult to vote on what happens in so many cases that one item is bothering them and what happens is that the entire budget gets shot down. He believed the best way was to concentrate on people the voters have elected to office and let them do their job. He agreed with Mr. Callahan we have a town that is running well and we have no reason to change it and with that said he wanted to move the question.

Motion was seconded by Mr. Derynoski to move the question. A super majority is required to move the question, two-thirds, to close debate and move the question.

Roll call is taken. Attorney Sciota indicated a Yes vote was to close the debate and move on to a vote to rescind.

Mr. Verderame	yes
Mr. Post	no
Mr. Michlewski	no
Mr. Meade	yes
Mr. Landrie	no
Mr. Knoegel	no
Ms. Feld	no

Mr. Derynoski	yes
Mr. Conroy	yes
Mr. Callahan	yes
Mr. Paradis	no
Mr. Zoni	yes

Motion failed. Debate to continue.

Ms. Feld addressed Mr. Callahan's issue concerning the last budget year there was consensus on the Town Council. In a situation like that it is hard to imagine anyone going out to get a petition signed by 5 percent or whatever percent of registered voters. Why would they. The Town Council, the Town Administration took no increases, the Town Side was zero increase and everyone was really trying to do the right thing. Why would anyone go out in a year like that? But, we have had years where, for example, where the Town Manager came across with a ten percent increase in the budget which was cut by the Board of Finance. When it was cut back it wasn't cut back to zero. It was cut as much as it could. In situations like that it might not be five percent of registered voters. It could be fifteen percent or whatever percentage is thought to be doable. This is a work in progress and Ms. Feld asked for comments on these issues.

Mr. Meade responded the Democrats lost all the majorities on the board and supposedly, in this Town, they did such a wonderful job on the zero budget and what happened? The majority got beat on the Council, the Board of Finance and the whole thing. So this is the same thing. If that is taken as an argument, then there was no reason whatsoever for anyone to vote to change the government.

Ms. Feld commented that there was a mood in the country. This happened across Connecticut not only in Southington.

Mr. Meade commented that if this is the mood in the country and our Town has done so well, and this is the kind of vote you get, someone has the mood about something it has nothing to do about their ability or what they do.

Ms. Feld continued that it still required a voter turn out. If they don't they have done no harm or no good or anything. They don't affect anything.

Mr. Meade addressed the Chairman stating that there was an obvious stalemate and requested the issue be tabled or moved on to the next meeting and get on the regular meeting or we move this to a vote.

Chairman Zoni stated that there was a motion and second to move the vote but the committee had not completed the debate. It will go to a vote.

Attorney Sciota offered a suggestion that there had been situations like this on other boards where there really was no more debate but more a situation where the board was pretty much locked in to what everyone's opinion was. Simply have each member take a

couple of minutes and put their position on the table and then the Board can move forward with whatever direction it wants and that way move on to what we are doing because we could have a discussion like this all night. But it is up to the Chair. Each person does not have to give an opinion and could say they just want to vote at the end. But give everyone a chance to give their opinion rather than go back and forth because Ms. Feld and Mr. Meade could go all night since they are locked in their positions.

Mr. Michlewski commented to Mr. Meade concerning his statement addressing the last election he was not sure about the dynamics and would like to know more about that. He sees the idea of a referendum as nothing more than a potential safety net. We are making the assumption that the Board of Finance and the Town Council as it has in the last budget will continue just as it is being frugal and will use good judgment. Not being convinced this will be the case, having the voters have some say more than every two years is better. If it does happen, he felt it should be difficult, not easy since we are talking about the taxpayers' money that we are spending. He referred to the article in today's paper concerning the \$100 million dollar wastewater system project.

Mr. Post suggested that since everyone had an opinion if one item at a time was taken to see if people could potentially agree to a number that would be comfortable to meet somewhere near the middle.

Mr. Meade commented that the vote was on whether we should have a referendum or not. If there was to be a referendum, then there would be a need to itemize everything in it, but if there was not going to be a referendum, why attack all the points on it.

Mr. Post continued that if the subject was thought about perhaps an agreement could be met. Every detail did not need to be looked at but he asked if there was any one item that if it were settled, could change opinions to agree to a referendum.

Mr. Meade responded not for him. He previously suggested that fifteen percent was unacceptable and it could be argued all night. The question in his opinion was whether there was or was not a referendum vote that would pass and if it did then something would need to be presented to the Council. But the Committee has already said that there would not be a referendum.

Attorney Sciota stated that this is exactly what the motion to rescind was about. The motion dismissed was having the referendum on the budget. The motion in front of the Committee is to dismiss the motion to dismiss.

Chairman Zoni commented that Mr. Post's suggestion was that if a compromise could be ironed out it would go forward.

Mr. Conroy stated that this was putting the cart before the horse to decide if we were going to rescind the previous action

Chairman Zoni pointed out that the motion to move the question was all it was about. That motion failed so now the debate is open.

Mr. Conroy continued that his point was that there was a motion on the floor to rescind the Committee's previous action. That is the subject of the debate. That needs to be decided first before we discuss the issues presented by Mr. Post or some of the proposals presented by Ms. Feld.

Chairman Zoni restated to Mr. Conroy that he understood his comments to mean that debate should be limited to reasons as to why we should rescind, however the floor is still open to discussion.

Mr. Callahan stated he was ready to vote as Mr. Conroy was but there were two things that he wished to share. There is a forty-two year history of our present form of Government and there has not been one time that there was an out of control budget or community in his opinion. A library, a Town Hall, a school or some special thing can be discussed but as far as running the Town goes it is well run. 93-94 percent of the people who came in over the eight or nine month period spoke against this referendum. They were opposed to it. Having spent much time around the Town not a person had approached him challenging his vote on the referendum. Additionally if people are not coming in to vote with detailed information, having read and understanding each line item in the budget it is merely an emotional vote. Emotional votes are votes based on articles in the newspaper and tainted stories one way or another, for or against. Accordingly in his opinion this motion should be voted down.

Mr. Michlewski commented that most people who came here representing themselves as opposed to the budget, to his recollection, were basically share holders, people who already had the best interest of the Town, rather than the general public. He would have preferred to hear no referendum by someone who did not have history in the Town on committees or the Council. This a problem discussed in the "Old guard." While he felt the Town is a well run Town there are things he does not like about this Town. There are things that he questions but unfortunately he is not in a position to change them right now.

Chairman Zoni interjected that many people who came up to speak had prior experiences within the Town and he would have liked to have heard from the general public. With that said Chairman Zoni went on to say that the doors to this Commission were never locked, ever. Public communication was provided at every meeting and every opportunity to speak was provided.

Mr. Knoegel stated that he was also ready to take a vote on the motion but wanted to say that the 4,000 signatures was a harbinger of what we saw in November and there is an undercurrent of change and to not recognize that is being rather dismissive in his mind.

Mr. Post stated that there is a demographic change in Southington. Some people have been here all their lives while he had been here eighteen years. He chose to come and

stay. Now fifty percent of the population in Southington was not raised here. There are two schools of thought. Part of it is that there are those who have decades of involvement in politics and others that move in from other parts of the State where they see things with a different approach. He has heard that there are a substantial number of people who would like to see this item on it.

Chairman Zoni commented on an earlier suggestion from Attorney Sciota and requested an opportunity for some members who had not spoken to speak before moving on.

Mr. Derynoski commented that he had not changed his view. Southington has a great Town Council and Board of Finance. They put in the time and effort. They study the budget and ask all the right questions before they vote. They have a better grasp of the big picture for the Town than the average citizen. He felt the budget was in good hands and there was no reason to change.

Mr. Verderame stated that he had stated his position already on the subject. Looking at what happened at the last election the people did speak. The Council and the Board of Finance all changed. That was the opportunity for the people to speak. The Government we have now is working fine and there is no need to change.

Mr. Paradis stated that this group cannot make a change. It can only bring a proposal to the Town Council. He questioned if it was such a bad idea, throw it out. If people say they want to make a change give the proposal to the Town Council, if they don't like it they will throw it out. It is discrediting the people who voted to have this Commission opened if it is thrown out. Put something on paper and send it to the Council. It is a new Council.

Mr. Conroy commented that voting for the purpose of passing this issue on to the Council for the sake of getting it off our table is abrogating the Commissions responsibility. The Council can come back to the Commission if they think it should be reconsidered. Additionally candidates for Town Council who advocated the referendum issue did not get elected.

Mr. Post agreed that we have had a good Council and Board of Finance but there is no guarantee that this will continue. The referendum would be like an insurance policy if we needed it on an annual basis.

Mr. Landrie commented on the term "average citizen". The average citizen is who he is supporting and wants to give the average citizen the opportunity to vote on the budget if they feel it is out of line.

Ms. Feld commented that in her opinion it was the right thing to do, to give the people an opportunity to have a voice in the taxes they pay.

Chairman Zoni commented on the proposal. His concern was what happens if the budget fails. The first three items listed go directly to Mr. Conroy's point. They circumvent

representative democracy. They force the Council to do something. It is a referendum on the Council, not the budget. The only item in his opinion that has a viable alternative is “Other” and the other that he could support was “Action to be taken at the discretion of the Council as they see fit” which is what they have done in the first place. From a referendum standpoint perhaps the voters want to have their voices and opinions heard. The voters have the opportunity to have themselves heard at several meeting of the Board of Finance and Town Council. This leads to the question of accepting or rejecting and the question is why. Elected officials need to know what the people think; is it too high, too low. They need to be in touch with the people. They have the responsibility of balancing the needs of the people and the conflicting items spoken tonight. That’s what we elect people to do, study the issues and balance the needs. Towns that do have a referendum perhaps have a different system, no Board of Finance or the Councils formulate their own budget through subcommittees. Our system works pretty well. The budget comes from the bottom up, through the departments to the Town Manager to the Finance Board on to the Council. An opinion poll could be taken on line if we wanted through the voter registration file.

Roll call is taken. Attorney Sciota restated that the motion on the floor was to rescind so a yes vote is to rescind and a no vote is not to rescind.

Mr. Verderame	no
Mr. Post	yes
Mr. Michlewski	yes
Mr. Meade	no
Mr. Landrie	yes
Mr. Knoegel	yes
Ms. Feld	yes
Mr. Derynoski	no
Mr. Conroy	no
Mr. Callahan	no
Mr. Paradis	yes
Mr. Zoni	no

**Motion is dismissed due to a tie vote.**

There were no other commissioner communications.

**Public Communications**

There were no public communications. Chairman Zoni moved to

**Additional Discussion or Modification Proposals to Schedule D.**

Chairman Zoni addressed a point of order brought up at the beginning of the meeting concerning Schedule D, one of the provision numbers was inadvertently left off, Section 729, Provision for the Council to override the Board of Finance that actually affects both

729 and 761. Note will be made of that and put on the agenda. Language for both exists but did not appear on the agenda correctly but it will in the future. Chairman Zoni asked for any additional discussion on any of the items on Schedule D. Public Hearing will be held on January 6, 2010 as voted on at the last meeting.

Attorney Sciota commented that procedurally the notice has been put on the Town web site. It will be put in the paper no more than ten, no less than five days prior to the actual date. It will appear both ten and five days before. All the items, with the Committees approval, will not be in the paper but will be available on the Town web site.

Chairman Zoni asked for any proposed changes to the items to be discussed. Items to be discussed were to be in the order as they appeared on Schedule D. Section 1107 was the first item.

Mr. Post stated a minor change in paragraph C line 3 of 1107 there is a minor typo, "own" should be "Town". Also paragraph C line 6 from the bottom, add to the list "Town Manager" and "Assistant Town Manager".

Chairman Zoni commented that both the Town Manager and the Deputy Town Manager do not get involved in land use questions. Attorney Sciota agreed with Chairman Zoni explaining the conflict with other parts of the ethics code. This refers to where opinions are done on subdivisions and an actual punch list is developed.

Attorney Sciota requested that all typographical errors be emailed to him so they can be corrected.

Mr. Post continued with Section D, last line, suggested to strike subset 1, 2, 3 and 4 and replace with "the section shall apply to all situations" and the subsets 1, 2, 3 and 4 are very restrictive and would be deleted. Attorney Sciota disagreed with the change since an ethics situation someone can claim that the statement is too vague and he cannot defend it. He commented if you want to add something then add it but all situations will not work.

Ms. Feld suggested rewording to say "This section shall apply to all situations including but not limited to" and then list 1, 2, 3 and 4. The group commented it still states, all situations, Ms. Feld agreed but there is no way to delineate every situation that you would want to be able to have. Attorney Sciota asked what other situations Ms. Feld was referring to. Ms. Feld responded situations where any town official, member of a board, etc. has a personal financial or private interest in any action, etc. and there are many situations it could apply to, name a board. Ms. Feld then questioned what would you suggest then.

Attorney Sciota responded he did not want to put it too broad if you use the paragraph that already is in there and you read that it talks about remove himself from virtually everything and then it gets a little more specific into the other parts. He continued when he had drafted the language he thought it was pretty much encompassing everything but

if you want more things added in there that is fine but I can not use the language, “and anything else”. That will be a problem.

Mr. Conroy then commented that he believed the issues that were being addressed by Mr. Post and Ms. Feld were delineated in subparagraph (a) which is pretty broad. You can not have a personal interest and you can't have a business interest.

Mr. Post then commented what about in section (d) line two where it states, “who has a personal financial or private interest”, what if we inserted or professional after the word private. That wording might cover some general situations. Commission did not like that wording. Mr. Post commented we are attempting to eliminate loopholes. Chairman Zoni then stated loopholes are eliminated by being more specific not less specific. Attorney Sciota agreed and stated the vaguer we get the more loopholes there will be. Attorney Sciota's interest as he commented, you have a conflict of interest by definition under (a) you have a duty to disclose that conflict of interest. If you are happy with (a) then (d) just adds to (a). Attorney Sciota asked of Mr. Post are you happy with (a)? Mr. Post's response was yes. Mr. Post then stated you can have a personal, non financial issue that might come up so if we inserted private or professional that might cover it. Chairman Zoni asked Mr. Post if he could give an example. Mr. Post stated a person might have an interest in a property in town where you don't have a monetary, personal, financial interest but your buddy or your brother might and that would, change that, if your profession gives you some responsibility along lines where you don't have a financial issue, it could come into play and that is why the professional would reduce the chance of confusion among the Commission.

Mr. Conroy stated again look at (a) and it states right in there private business or professional enterprise...that is affected by the outcome of any matter under consideration before him/her. Mr. Conroy stated that is broad and it covers everything. Mr. Post came back well sometimes when you repeat a statement again it has more weight to it or it clarifies the issue.

Mr. Meade then interjected if you continue on in that paragraph ...any member of his or her household, including a domestic partner, spouse or minor dependent has a personal financial or personal interest...that is anybody. We have had a number of times where we have school teachers on a board, etc. In this particular Town someone may serve on the Council and his sister is a school teacher; however, unless it has a material affect on the budget you can not get this so fine tuned, everybody is related to somebody around town. Chairman Zoni chuckled. This Town employs more people than any business in town. Mr. Meade added it has to be that they are affected monetarily.

Attorney Sciota then interrupted and stated he thought he just realized why you are confused with this. He stated this section shall NOT apply to: He asked all to read the paragraph again, read (d) again and now read it, “This section shall NOT apply to” Does it make sense now? They all agreed. Chairman Zoni questioned Attorney Sciota by asking does that mean it is wrong in the Ethics Code because we sub-planted this section. Attorney Sciota responded he was hoping it was just a typo and not the Ethics Code.

Mr. Conroy then made a motion to forward Section 1107, and inserting the word NOT in the last paragraph of section (d) to the final CRC report and with the correction of the typos.

Mr. Landrie then commented we have not finished sections (e) and (f); Chairman Zoni commented we are still discussing changes and asked if there were any other changes. Mr. Post commented he wanted to eliminate paragraph (f) completely.

Mr. Conroy stated eliminating paragraph (f) would remove the power of the Council to make this tougher than it is. An ordinance by the Council can not dilute the meaning or intention of the Charter. This gives the Council the right to pass an ordinance and make this ethics code tougher. Ms. Feld asked Attorney Sciota if the Town Council always has that ability. Attorney Sciota stated that the problem we have with this entire section is that there are conflicting statements from our Charter Section 1107 and our Ordinance Section 2-204 so that was his biggest problem. Yes (f) is actually in our current Charter and that gives the ability when the State of Connecticut says this should be tougher, a newer definition of this, then we can do by a simple ordinance and do not have to do a Charter Revision. It makes tougher, we can not water it down but we can make it tougher. Ms. Feld asked if the Town Council needed to be told that and don't they have that ability without the Charter. Attorney Sciota responded the problem is they would do it when there is a new State regulation or State law but we have not had it yet. Sooner or later the State will come down with model Codes of Ethics but the State will probably come down with actual Statutory Codes of Ethics which means we could then pass the new ordinance without having to open up the Charter.

Mr. Michlewski then stated he moved to vote, Mr. Conroy commented he already moved to vote and Mr. Michlewski commented then I second it. Attorney Sciota then commented what would happen is that the Commission would be sending it to the public hearing.

Chairman Zoni stated they would go through each provision and vote to send them to public hearing. Chairman Zoni asked if a roll call was necessary. Attorney Sciota commented no do an "all in favor"...Chairman Zoni asked, "all in favor", any opposed. Section 1107 will move on to public hearing.

Chairman Zoni stated the next Section 401 and 402 any comments. Mr. Michlewski commented he would like the second paragraph changed and he stated, "In hiring the town manager, the council may waive any or all of the aforementioned qualifications by affirmative vote of not less than ...he commented he would like to leave it at three-quarters rather than two thirds. Three-quarters would make it seven, two thirds would be six. Attorney Sciota responded it should say seven. Mr. Michlewski questioned what if the Town Council was increased. Attorney Sciota commented that would have to happen under a Charter Revision. Mr. Michlewski stated he had no problem with seven and other than that no other problems.

Ms. Feld commented she had a question about 401 and stated she could be wrong but on Sept. 2<sup>nd</sup> according to the minutes we called for a vote on the original motion with no debate that the contract term shall be between three and five years and the vote was approved seven to four and unless we did something different in October?? Attorney Sciota responded yes we did, there was a debate and we changed that.

Mr. Michlewski makes a motion to amend second paragraph of Section 401 to read seven, seconded by Mr. Derynoski. Chairman Zoni called for comments. Mr. Conroy felt that a seven vote was tying the hands of the majority and in this case two-thirds of the Council voting to waive an issue, this issue or any issue is a good check. Mr. Conroy then stated he would have it left at two thirds. Ms. Feld commented didn't we already vote on this.

Chairman Zoni commented for clarification, when we were taking our actual votes we were voting to move the issues up the schedule so what we have in front of us still can be modified, what we have in front of us is not written in stone. However, when we send it to the public that is what we will be having a public hearing on so we need to get it right.

Mr. Landrie stated he was in favor of three-fourths also for the simple reason and one of our members said, "Let's get some minority representation in decisions". He thought seven would be good and he turned to Mr. Callahan who had previously made the comment and stated yes he agreed with Mr. Callahan. He thought it required more of a joint decision by all parties not the majority party and it is best for this Town to require three-quarters.

Mr. Michlewski commented that he wanted to clarify that this was to waive part of the requirements. We need to have a consensus in order to have something waived and that is the reason why I said it. You will need an affirmative vote to place someone into the Town Manager position and that person will have to work with all nine Town Council members so why not seven.

Mr. Knoegel then stated we had a lengthy debate about the model of government And the overwhelming consensus was a Town Manager/Council form of government. He thought that seven places it at a high bar and it should be at a high bar. We need a highly competent person in this position and to make it seven or better you will need an upstanding person who will meet that bar.

Ms. Feld commented that to her it was the waiver part of it that is so critical. The waiver is a big thing to waive all of the aforementioned qualifications for a Town Manager you need a really strong bipartisan vote and she supported three-fourths which she believed was seven.

Attorney Sciota commented what was being said was it only takes five to hire a Town Manager and if he or she does not meet the qualifications you would need seven. Mr. Michlewski commented that the way the Charter currently reads someone coming off the street can get everything waived and there are no requirements to fill those needs. We

need to fill the void. Chairman Zoni asked if there was any other discussion or changes on this provisions and stated the motion on the floor is to change it to seven members, call for a vote, “all in favor”, eleven yes votes, one opposition vote. Motion carried, the language will read seven members.

Mr. Landrie then referred to the last paragraph and felt it should read, within twelve months of his employment and delete during.

Mr. Conroy asked if the intent of this section was that the Town Manager move to the Town within twelve months correct. Members reviewed verbiage and decided the words “during his” would be deleted. Chairman Zoni called for a motion, Ms. Feld made a motion to strike “during his”, seconded by Mr. Post, all in favor, no opposition.

Chairman Zoni asked if there were any changes to Section 402.

Chairman Zoni called for any other discussion or changes, hearing none he entertained a motion to move Sections 401 and 402 to public hearing with changes. Mr. Callahan made a motion to move, seconded by Mr. Post, all in favor, no opposition, Section 401 and 402 moved to public hearing.

Chairman Zoni addressed Sections 723, 725, 728 and 729, modification of the budget timeline and they are all interrelated. He called for any changes. Ms. Feld commented short of typos she would move Sections 723, 725 and 728 but not 729 as she did not see it as part of the group. Ms. Feld commented she saw 729 as part of 761. Some confusion existed on Section 729. Attorney Sciota brought the members back to the motion made by Ms. Feld and seconded by Mr. Meade. Chairman Zoni called for any other comments. Mr. Callahan asked Attorney Sciota the dates that you have down there, the 18<sup>th</sup> of February for the presentation to the Council by the Manager to the BOF and you go to the next page and you are talking about the 3<sup>rd</sup> Monday in March for a public hearing. He questioned if that was enough time and fit in with the various meetings. Attorney Sciota responded that the BOF does not do much prior to the public hearing, post the public hearing is when all of the work shops happen and accordingly when we met with the former Chairman of the BOF that was more of a dead zone for them. Mr. Callahan asked a few more questions, conversation on the dates took place. Attorney Sciota reiterated that the dates were based on discussions with the former Chairman of the BOF and obviously if the timeframe does not work out with the new Chairman of the BOF we can come back for some modifications.

Chairman Zoni stated the motion was to approve Sections 723, 725 and 728, called all in favor, no opposition, motion carried.

Chairman Zoni then stated we are dealing with Section 729 as it relates to the timeline of the budget. Chairman Zoni questioned Attorney Sciota about the rewrite of Section 729 and the rewrite of section (3). Chairman Zoni questioned the seven votes for this area. More confusion, Attorney Sciota instructs Chairman Zoni to move to 761.

Chairman Zoni directs members to discuss Section 746. Mr. Conroy commented that he moved this Section 746 to public hearing, seconded by Mr. Meade. Chairman Zoni called for any changes or discussion, there was none, all in favor, no opposition, Section 746 moved to public hearing.

Chairman Zoni moved on to Section 210, No person can serve on multiple boards. Mr. Conroy made a motion to move to public hearing, seconded by Mr. Callahan, no discussion, all in favor, no opposition, Section 210 moved to public hearing.

Chairman Zoni directed members to Sections 729 and 761. Starting with 729

Mr. Landrie requested the following changes going to sub paragraph 3, delete “or the board of education” and change a vote to change to “three-quarters” or “at least seven” rather than “two-thirds”.

Attorney Sciota questioned why eliminate the Board of Education since it was a separate budget. Mr. Landrie responded just because I feel like it. Attorney Sciota agreed with being consistent with the seven votes but eliminating the Board would leave it open to revert back to the old system where only six votes were needed. Mr. Landrie accepted the explanation.

Chairman Zoni summarized that Section 3 of 729 basically the same concept of 761.

Ms. Feld restated section 3 “Restore any item originally requested by the manager or the Board of Education in the budget by a vote of at least seven of the total membership of the council.”

Motion made by Mrs. Feld to move this item to Public Hearing with the change. seconded by Mr. Landrie with the change.

Mr. Conroy then commented the he was urging members of the Commission to vote against this for the simple reason that right now the majority of the voters selected in this particular case, the Republicans have the power for fiscal responsibility, etc. If you do this, you are now placing the responsibility and the power to control that with the minority. That action flies in the face of majority rules.

Mr. Meade that is the same argument and he meant it when it was voted to override the Board of Finance that they needed seven votes. Mr. Conroy contended his argument was the same then as it was now. You are turning it over to a minority when the majority in this community voted that they wanted a particular government run by the majority. Ms. Feld interjected this Charter is not for only now. Mr. Conroy responded that he understood that but you are still going to be turning it over to a minority.

Mr. Michlewski stated he believed this would not be voted on for two years. Chairman Zoni commented no this will be on the November election. Attorney Sciota agreed this

would be voted on in the November election unless the Town Council voted to have a special election.

Chairman Zoni noted the motion is to move Section 729 with the change and 761 to public hearing. Mr. Callahan then stated he wanted to hear a little more on what Mr. Conroy had stated. He stated that Mr. Conroy makes a good thought that the Town did make the decision that they selected a party to go in and control the government and to handcuff them on budgets, etc. that may fly in the face of what the townspeople's intentions were. He stated that he did not believe the Commission needed seven votes all through this Charter. He did believe with the Town Manager hiring with varying requirements it is important to have seven votes there. He contended that he did not view that issue as being politically partisan as perhaps a budget issue where the minority party wants to hold the issue up. Mr. Callahan then stated he would probably reconsider the seven on an issue as this.

Mr. Post stated seven was important and when this was discussed a few months ago, the party of which I am a member of had the majority and I still agreed to that. We have to remember that this government in our country is a representative democracy and it does not simply mean that the majority party gets their entire way. It is important that the other minority party does have an opportunity to have a voice.

Mr. Conroy then commented that minority does have a voice and that is why we have minority representation within our Charter following the State Statutes that provides for how a minority representation in a government is set up. The minority is part of the debate, they can make their point and if their point is well taken then perhaps the minority party can swing votes their way. He further stated why they (the minority) should control what the majority of the voters wanted.

Mr. Knoegel then stated that he found this pretty ironic as the Commission did vote down in a tight vote, budget by referendum and this is a suitable alternative in light of if we are going to add items into the budget that were not originally placed there, there has to be a high bar to meet that requirement. By involving the minority party, it makes it more that you have to work as a coalition in a more bipartisan way to be able to do this and it enhances government and does not detract from government. Ms. Feld interjected that she agreed also.

Chairman Zoni then stated he understood the seven votes but it really is a shift in power it tampers with the balance of power as the Charter is written now. It really gives the Board of Finance more power than they have now because it makes it more difficult for the Town Council to make additions or override them. From what he could see with referendums around the state regarding Charters, people seem to reject things that shift the balance of power.

Mr. Post then agreed with Mr. Knoegel concerning the budget by referendum that in light of this a show of bipartisanship and an agreement would be a good move and he also felt seven would be the right number.

Mr. Landrie then stated a shift in the balance of power and seven votes would require a better consensus to change things. We had an overwhelming majority elect our present Town Council, approximately 29.3% of the voters and one-half of that would be approximately 14.7, now let's assume that one party got about 55% and it was not very far off. So let's give them 16 to 17% of the total vote that came out and he did not believe that 16 or 17% is an overwhelming mandate from our voters in this town and he did not think we should go down the road saying they have a mandate, let them listen to the minority party in coming up with final decisions. He stated he was all in favor of having this require a seven member vote.

Chairman Zoni indicated the vote was actually to move it to public hearing. He asked if there was any more discussion. Mr. Conroy then asked if a no vote would leave it as is and then we would have to make a second motion to move that as written to public hearing.

Attorney Sciota clarified by stating right now what you have in front of you is Section 729 and 761 which right now state seven so if you do not want to move them forward with both saying seven you would say No to that and then you would put an amendment in stating that it go back to whatever number you want it to go back to. Then you make another motion that that goes to a public hearing. Mr. Conroy then stated the motion now is to insert seven? Attorney Sciota stated that Mr. Conroy makes a good point as the first question is just on 729 Mr. Landrie is changing the two-thirds to seven so the question is should we vote on that first and the answer is yes. Attorney Sciota then asked Mr. Landrie if he still wanted to make the point that section 3 should read not two-thirds but seven, seconded by Ms. Feld. Attorney Sciota directed Chairman Zoni to call on that which he does, any discussion. Chairman Zoni states all in favor in changing it to seven. Mr. Conroy calls for a roll call vote.

Mr. Verderame	No
Mr. Post	yes
Mr. Michlewski	yes
Mr. Meade	No
Mr. Landrie	yes
Mr. Knoegel	yes
Ms Feld	yes
Mr. Derynoski	no
Mr. Conroy	no
Mr. Callahan	no
Mr. Paradis	yes
Chairman Zoni	yes for consistency purposes

Attorney Sciota then stated the next motion you need is for those two to go to public hearing, motion made by Ms. Feld, seconded by Mr. Michlewski. Chairman Zoni stated a motion and a second to send Section 729 and 761 as amended to public hearing. Roll call vote called

Mr. Verderame	No
Mr. Post	yes
Mr. Michlewski	yes
Mr. Meade	No
Mr. Landrie	yes
Mr. Knoegel	yes
Ms. Feld	yes
Mr. Derynoski	No
Mr. Conroy	No
Mr. Callahan	No
Mr. Paradis	yes
Mr. Zoni	yes

Motion to move to public hearing passed.

Chairman Zoni moved on to Section 208, BOF vacancies to be filled by BOF and Water Board vacancies.

Mr. Conroy moved to send Section 208 to public hearing, seconded by Ms. Feld. Chairman Zoni called for discussion. There being none, all in favor, none opposed, Section 208 moved to public hearing.

Chairman Zoni moved to Section 746 that is the Bond Ordinances, exception for public referendum as it relates to reimbursements and/or mandates. Section 746 had been voted on.

Mr. Meade then asked Attorney Sciota if at the January 6<sup>th</sup> public hearing if the Commission, at the end of that public hearing, could the Commission vote to send this to the Council. Attorney Sciota explained the Commission would vote for him to do a draft report and the draft report would look similar to what you have tonight and the draft report will need a meeting to vote on it. Attorney Sciota then commented he could prepare a draft report based on everything here...and Mr. Conroy interjected but someone from the public could come up with a valid argument or idea and he (Attorney Sciota) would have to change it once again. Attorney Sciota then stated he had a very good working document and he stated the final vote will probably be the second meeting of January and Chairman Zoni will present it to the Council their first meeting in February.

**Miscellaneous - No discussion**

Chairman Zoni entertained a motion to adjourn, Mr. Landrie, seconded by Mr. Post, all in favor, meeting adjourned at 9:25 p.m.

The next commission meeting date is Wednesday January 6, 2010, the public hearing.

David Zoni, Chairman

## Sixes and sevens

The Southington Charter Revision Commission has found itself at sixes and sevens over the issue of budget referendums.

Was there some doublecrossing going on? Are there conflicts of interest? Did the meeting at which the referendum vote was taken have proper notice?

It now looks as if these questions represent just the surface of a basic disagreement. It's been suggested that the "old guard" is against the very notion of a budget referendum: any elected representatives might object to a dilution of delegated authority without necessarily being "old guard," whatever that means. The term seems a little unfair. The commission has been meeting regularly and without any outward sign of acrimony since its appointment last December. It was said, at the time when the petition was passed around to generate a charter revision commission, that there was no particular agenda, no particular subject which people wanted to alter. That accorded with the facts as presented at the time: the citizens' petition asked for change, but not for a specific change.

It's clear that the budget referendum issue has acquired more importance. But it's also clear that there's more than one way to stage a budget referendum: it could be automatic every year and voted upon until enacted by a set percentage of the electorate; it could be triggered by an increase of a certain amount (or, presumably but unimaginably, by a decrease); it could be required if certain percentages signed a petition, and the percentage could be set to make the trigger easy or difficult.

During recent weeks, the commission did hear from various authorities with experience in the field of budget referendums, and some of the stories one encounters show grass roots democracy at an extreme level, while others may demonstrate representative democracy at its least responsive.

Going forward, we think most of the voters of Southington ought to be given some alternatives to vote on — remember, a lot of them said they wanted charter changes. Surely, the members of the commission can find a compromise path on the budget referendum issue if they put their minds to it — one which will empower the electorate to react to something egregious but permit government to move purposefully forward without constant California-style stalemates.

Failing that, the voters could be given a choice of referendum possibilities on a ballot. That would be more complicated, but educated voters can learn to cope.

**Issues raised in Opposition to Referendum by Town Budget & how they are Addressed in the Proposal:**

1. Too easy to reject Budget

**Requires petition signed by 5% of registered voters; then 15% of registered voters to vote or budget is accepted as is**

2. Too costly & time consuming to have multiple referendums on budget.

**1 referendum on 1 day at 1 school.**

3. Representative Democracy Argument: If voters don't like the way elected officials vote, they can vote them out at next election.

**Voters can only choose not to elect or re-elect 3 of the 12 Town Council nominees, since the 9 highest vote getters of the 12 nominees are elected. And if any elected official leaves the TC, that party can place someone who lost the election on TC till the next election.**

**BOF: Example—Stanforth/Coccuza—Stanforth not elected, but serving**

**PZC: Kenefick/ Miceli –Kenefick not elected, but serving**

4. Block of Voters can vote to increase BOE budget

**This proposal does NOT offer the option to increase any part of the budget.**

## REFERENDUM ON THE ANNUAL BUDGET

Petition signed by 5% of registered voters. 1 referendum vote on the budget at 1

school, preferably on a Saturday, 6 a.m. to 8 p.m. In order to change the

budget, 15% or more of registered voters must vote. If less than 15% of

registered voters vote, the budget passes. The vote is "I accept the

budget" or "I reject the budget". If the budget is rejected by a simple

majority,

- 1) budget reverts to current COLA
- 2) budget reverts to BOF budget presented to Town Council
- 3) Budget increase is reduced by half (50%)
- 4) Other